(c) if so, to what extent Government has considered these views and by when final decision is likely to be taken?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) Government has put in place a liberal and investor-friendly policy on Foreign Direct Investment (FDI) under which FDI up to 100% is permitted on the automatic route in most sectors / activities. The policy on FDI is reviewed on a continuing basis through inter-ministerial consultations, with due consideration of relevant issues raised by various stakeholders. During February 2009, Government had issued guidelines on the subjects of calculation of total foreign investment i.e. direct and indirect foreign investment in Indian companies, transfer of ownership or control of Indian companies in sectors with caps from resident Indian citizens to non-resident entities and clarificatory guidelines on downstream investment by Indian Companies through Press Notes 2, 3 and 4 of 2009 respectively. The Department of Economic Affairs had requested Department of Industrial Policy & Promotion for examination of certain issues relating to these Press Notes including, inter-alia, certain issues mentioned by Reserve Bank of India, to which Department of Industrial Policy & Promotion had responded. The Policy on Foreign Direct Investment (FDI) is incorporated in the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2000, notified under the Foreign Exchange Management Act (FEMA), 1999. Section 13 of the Act provides for imposition of penalty, after adjudication, for contravention of the provisions of the Act or Rules/Regulations.

Approval of FDI proposals on recommendations of FIPB

1958.PROF. ALKA BALRAM KSHATRIYA: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government has recently approved several proposals of FDI based on the recommendations of the Foreign Investment Promotion Board (FIPB);

(b) if so, the details thereof;

(c) the criteria adopted by the Government in according approvals to FDIs; and

(d) the details of FDI proposals deferred with reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Government approves FDI proposals on the recommendations of FIPB on a periodical basis. On the basis of recommendations of FIPB in its last meeting held on 10.07.2009, the Government has approved 16 foreign direct investment proposals. The details of the proposals are available in the public domain and can be accessed at the website of the Department of Economic Affairs (www.finmin.nic.in).

(c) and (d) Government has put in place a liberal and investor-friendly policy on Foreign Direct Investment (FDI) under which FDI up to 100% is permitted on the automatic route in most sectors/activities. Proposals requiring prior Government approval, which are complete in all

respects, are considered by the Foreign Investment Promotion Board (FIPB), an inter-Ministerial body. The proposals are approved or rejected on the basis of the extant policy after inter-Ministerial consultations. The list of proposals deferred in the meeting held on 10.07.2009 is available in the public domain and can be accessed at the website of the Department of Economic Affairs (*www.finmin.nic.in*).

Illegal trading of fake products

†1959. SHRI BHAGAT SINGH KOSHYARI:
SHRI PRABHAT JHA:
Will the Minister of COMMERCE AND INDUSTRY be please to state:

(a) whether the Ministry is aware of the fact that illegal trading of huge quantities of fake products is going on in the country;

(b) if so, the details thereof and the loss of revenue each year due to illegal trading of fake products;

(c) the legal measures to deal with the problem of fake products;

(d) whether there is need to amend the present law; and

(e) if so, the Ministry's further action plan?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) There is no such information available with the Ministry.

(c) to (e) Primary responsibility for investigating the complaints of manufacturing and trading of fake products rests with the concerned State Police. Adequate provisions exist in the various laws for dealing with fake products and those who are engaged in the manufacturing and trading of pirated goods. The Trade Marks Act, 1999 provides for penalties for applying false trademarks and trade descriptions and for selling goods to which a false trademark or false trade description is applied. It also contains provisions to prevent the falsifying or the false application of trademarks, false trade descriptions, etc. under Sections 101, 102, 103, 104 and 105 of the said Act. The remedies available under the Act relate to the protection of the Intellectual Property Rights inherent in a trademark and provide both civil and criminal remedies for registered trademark owners. Action against piracy of products of registered brands, resulting in infringement of rights has to be prosecuted in the appropriate courts for securing civil and criminal remedies. The onus of initiating action against infringement of trademarks lies upon the owner of the registered trademark who can move the civil or criminal court for redressal.

Sections 101 to 105 of the Trade Marks Act, 1999 also provide for necessary penalties for falsifying and falsely applying trademarks. Offences under Sections 103, 104 and 105 are cognizable and the period of imprisonment provided is to be not less than six months with a maximum of three years and with a minimum fine of Rs.50,000/- which may extend to Rs. 2,00,000/-.

† Original notice of the question was received in Hindi.